



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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OCT 18 2010

Ref: EPR-N

Ms. Laurie Walters-Clark
Forest Planning Staff
Bighorn National Forest
2013 Eastside 2nd Street
Sheridan, WY 82801

Re: Livestock Grazing on Five Project
Areas of the Bighorn National Forest DEIS
CEQ#20100358

Dear Ms. Walters-Clark:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, *et seq.*, and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the September 2010 Draft Environmental Impact Statement (DEIS) for the Livestock Grazing and Vegetation management on Five Project Areas in the Bighorn National Forest. This DEIS was prepared by the U.S. Department of Agriculture Forest Service (USFS) Bighorn National Forest in conjunction with the District Rangers from the Powder River, Tongue and Medicine Wheel/Paintrock Ranger Districts and numerous other specialists to analyze the effects of domestic livestock grazing on the proposed 43 allotments in the five project areas within the three ranger districts. The project area is comprised of approximately 400,000 acres administered by the USFS adjacent to Big Horn, Johnson, Sheridan and Washakie Counties, Wyoming and Big Horn County, Montana.

The DEIS evaluates three alternatives: 1) No Action alternative in which no livestock grazing would be occur; 2) No Change or Current Management in which grazing would occur as currently permitted and; 3) Adaptive Management (Preferred Alternative). The Preferred Alternative would reauthorize grazing on the 43 allotments with new objectives and adaptive management techniques specified for each allotment in order to move current resource conditions toward desired future conditions. In addition, the Preferred Alternative includes vegetation and fuels management activities on approximately 15,000 acres in the Beaver Creek and Little Horn project areas to improve conditions related to upland and riparian vegetation. Adaptive management techniques include administrative actions, such as changes in season of use or combining allotments, as well as allotment-specific actions based on current conditions and the desired conditions for a specific area.

EPA's Rating and Recommendation

Consistent with Section 309 of the Clean Air Act, it is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action, EPA is rating this DEIS as Environmental Concerns – Insufficient Information (EC-2). The "EC" rating indicates that EPA's review has identified areas for potential additional mitigation of impacts. The "2" rating indicates that EPA has identified additional information, data, analyses, or discussion that should be included in the Final Environmental Impact Statement (FEIS). We are making these recommendations related to water quality, wetlands and adaptive management monitoring subject areas. A full description of EPA's rating system is enclosed.

Water Quality

The DEIS describes existing conditions of streams and water quality within the project area. While there is a qualitative discussion indicating that all water quality parameters meet State of Wyoming water quality criteria within the analysis area, no data are presented to support that conclusion. As described in the DEIS, grazing may degrade water quality through increased temperature, sedimentation, and loading of nutrients and pathogens. We recommend the FEIS include any current water quality data available for the project area. EPA further recommends the USFS consider development of a long-term monitoring plan to document existing conditions and to track effectiveness of management practices. The following water quality parameters should be included: turbidity; *E. coli*; nutrient concentrations (total phosphorus and total nitrogen or ammonia); and any other parameters necessary to address potential concerns identified through the State of Wyoming's impaired water body listing.

These comments are specifically relevant to the impaired streams in or adjacent to the analysis area. Big Goose Creek, Little Goose Creek, Rapid Creek, Jackson Creek and Wolf Creek are described as being on the 303(d) (impaired water body) list but that "these sections of stream are located downstream of the analysis area boundary, off NFS lands." We recommend the FEIS provide additional detail of the analytes/conditions for each of these impaired streams (i.e. heavy metals, sediment) as well as a description of any other point or non-point sources between the analysis area and the 303(d) designated stream segment. Such information will help determine if the impairment is completely unrelated to the proposed project or if there is potential for cumulative impacts related to the proposed project. If it is determined there is a potential for cumulative impacts to water quality associated with this project, we would further recommend the impacts as well as potential mitigation be disclosed in the FEIS.

Wetlands

The DEIS describes the wetland acreage existing within the 43 allotments of the analysis area, which totals 2,037 acres. The DEIS does not fully detail how wetland areas will be protected and/or avoided for the preferred alternative. EPA notes Executive Order (EO) 11990 -

Protection of Wetlands (May 24, 1977) states in pertinent part: "Section 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. (b) This Order does not apply to the issuance by Federal agencies of permits, licenses or allocations to private parties for activities involving wetlands on non-Federal property." The FEIS should more fully document how EO 11990 will be carried out with regard to this project.

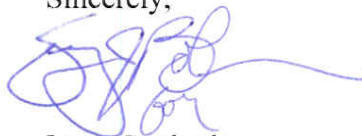
Adaptive Management and Monitoring

We support the USFS efforts to reduce grazing impacts through the use of best management practices (BMPs) and adaptive management strategies to protect sensitive soils, wetlands, riparian areas, meadows, stream crossings, and critical habitat. We are pleased with the adaptive management options that may be exercised under the Preferred Alternative, as may be warranted based on monitoring results. However, we recommend more frequent monitoring be considered and incorporated into the FEIS, specifically for allotments that are not meeting or moving toward desired conditions. For example, Table 2-7 shows that monitoring of riparian areas is expected to consist of annual spot checks and that more detailed, effectiveness monitoring, will be conducted every 3-5 years. If a riparian area is showing signs of damage and/or not trending toward desired conditions, more frequent, detailed monitoring might be appropriate to determine additional or escalated management strategies to stop or reverse negative trends.

In addition, the DEIS is not clear on how the USFS intends to conduct monitoring across each of the three Ranger Districts included in the analysis area. Please clarify in the FEIS how these duties will be shared across the Forest or if each District will implement this unilaterally.

We appreciate the opportunity to comment on this DEIS. We hope that our comments will be of value to the USFS in preparing the FEIS. If you have additional questions please contact me at 303-312-6004 or Gina Cristiano of my staff at 303-312-6688.

Sincerely,



Larry Svoboda
Director, NEPA Compliance and Review Program
Ecosystems Protection and Remediation

Enclosure: EPA's Rating System Criteria



U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.